

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

RICHARD LEE SIMKINS, III,

Plaintiff,

Case No. 3:18-cv-309

vs.

GRANDVIEW HOSPITAL, *et al.*,

Defendants.

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

REPORT AND RECOMMENDATION¹ THAT: (1) *PRO SE* PLAINTIFF'S UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL (DOC. 158) BE GRANTED; (2) THIS ACTION BE DISMISSED WITHOUT PREJUDICE; (3) ALL PENDING MOTIONS (DOCS. 125, 130, 133, 141, 147, 152) BE DENIED WITHOUT PREJUDICE AS MOOT; AND (4) THIS CASE BE TERMINATED ON THE COURT'S DOCKET

This civil case is before the Court on *pro se* Plaintiff's motion to voluntarily dismiss this action without prejudice. Doc. 158. No opposition has been filed to Plaintiff's motion, and the time for doing so under the Court's Local Rules has expired. *See* S.D. Ohio Civ. R. 7.2(a)(2). In the absence of opposition, the undersigned **RECOMMENDS** that: (1) Plaintiff's unopposed motion for voluntary dismissal of this action (doc. 158) be **GRANTED**; (2) this action be **DISMISSED WITHOUT PREJUICE** pursuant to Fed. R. Civ. P. 41(a)(2); (3) all remaining pending motions (docs. 125, 130, 133, 141, 147, 152) be **DENIED WITHOUT PREJUDICE AS MOOT**; and (4) this case be **TERMINATED** on the Court's docket.

Date: October 4, 2019

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendation. This period is not extended by virtue of Fed. R. Civ. P. 6(d) if served on you by electronic means, such as via the Court's CM/ECF filing system. If, however, this Report and Recommendation was served upon you by mail, this deadline is extended to **SEVENTEEN DAYS** by application of Fed. R. Civ. P. 6(d). Parties may seek an extension of the deadline to file objections by filing a motion for extension, which the Court may grant upon a showing of good cause.

Any objections filed shall specify the portions of the Report and Recommendation objected to, and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based, in whole or in part, upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs.

A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. As noted above, this period is not extended by virtue of Fed. R. Civ. P. 6(d) if served on you by electronic means, such as via the Court's CM/ECF filing system. If, however, this Report and Recommendation was served upon you by mail, this deadline is extended to **SEVENTEEN DAYS** by application of Fed. R. Civ. P. 6(d).

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140, 153-55 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).